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## City of Reading City Council

### Regular Meeting Monday, March 23, 2009

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father Abraham Robles, Youth Pastor from the Spanish Church of God.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Vaughn Spencer  
Councilor Steve Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Maria Baez, District 5  
Councilor Jeffrey Waltman, District 6  
Mayor T. McMahon  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Public Works Director C. Jones  
Sgt. at Arms Captain R. Schafer

#### **PROCLAMATIONS AND PRESENTATIONS**

Mayoral Proclamations were issued as follows:

- Recognizing Earth Hour, accepted by Stan Stubbe representing the Pennsylvania Outdoor Lighting Council

City Council Commendations were issued as followed:

- Recognizing the Holy Name High School Boys Basketball team
- Recognizing the Holy Name High School Girls Basketball team
- Recognizing the Reading High School Boys Basketball team
- Recognizing the Reading High School Girls Basketball team
- Recognizing Women's History Month, accepted by the Berks County Commission for Women
- Recognizing Greek Independence Day

### **PUBLIC COMMENT**

Council President Spencer announced that seven (7) citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered about the remaining speaking rules.

**Maryann Bitting, of Allegheny Street**, described the work of many area residents to have the Tulpehocken area designated as a scenic river way. She distributed copies of newspaper articles about the designation. She also described the work of the community to rehabilitate Confluence Park. She noted that the removal of the Bushong Dam will create detrimental downstream changes that will negatively affect the community's use of Confluence Park and Stone Cliff Park. She asked Council to delay making a decision on the removal of Bushong Dam until after the meeting scheduled for Thursday, April 2nd.

**Donna Reed, of Argonne Drive**, also described the work of the community to make improvements to Confluence Park. She also asked that Council delay making a decision on the resolution to remove Bushong Dam until after the April 2nd community meeting.

**Irvin Gring, of the Glenside area**, expressed the belief that Bushong Dam should not be removed as it provides recreation activities for City and County residents.

**John Ulrich, of Schuylkill Avenue**, expressed the belief that as Bushong Dam is stable and does not have any structural damage, it should not be removed. He noted that the lock at the millrace is located at the start of the Union Canal. He stated that this historical and beautiful area should remain intact. He also stated

that the removal of the dam will detrimentally affect Stone Cliff Park, downstream.

**Floyd Turner, representing the Governor Joseph Heister and PSAAR associations,** described the organization's proposal to install a Revolutionary War Memorial in the Veterans Grove area of City Park. He stated that this memorial will honor the gift made by those who have served in the United States military past and present. He noted that memorials also celebrate the freedom and liberty enjoyed by the American population. He described the group's meetings with various City Boards to obtain their input and approval. He also thanked the City Clerk for her invaluable assistance and guidance.

**Stefan Kosikowski, of South 11th Street,** expressed the belief that the newspaper should be objective and not enter into the political process through the endorsement of candidates for local offices, as they have done in the past. He stated that his 23 month involvement with the Green Party caused the newspaper to negatively slant their report and interview, rather than focusing on his accomplishments and skills, when he last ran for public office. He also described the Reading Eagle's censorship of the blogs on their website.

### **APPROVAL OF AGENDA & MINUTES**

Council President Spencer asked Council to consider the agenda for this meeting and the minutes from the March 9th regular meeting. He noted the need to add an Award of Contract for architectural services for the City Park band shell and pond and an ordinance for introduction that will address satellite dishes in historic districts.

**Councilor Baez moved, seconded by Councilor Marmarou, to approve the minutes from the March 9th regular meeting and the agenda, as amended. The motion was approved unanimously.**

**Award of Contract-** for architectural services for the City Park band shell and pond to Simone Collins, Berwyn, Pa., at a total contract price of \$138,702

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to approve the recommended award of contract.**

Councilor Fuhs stated that approximately two dozen firms applied for this job, with prices ranging from \$28,000 to \$150,000. He expressed the belief that due to

the dramatic swing in the bid prices for this job, the project should have been re-bid. He stated that the Administration selected the company who submitted the second highest bid. He noted Council's request to review the top three proposals when receiving recommendations in the future.

Councilor Sterner agreed with the new requirement for Council review of the top three bids considered. He also expressed concern that the Administration decided to retain the services of the second highest bidder.

Council President Spencer expressed the belief that the selection process used by the Administration is fair. He stated that he has participated on some selection committees for the Waste Water Treatment Plant project. He did question the selection of a firm who drafted the Master Plan for the Park, as their experience working on the plan provided them with an unfair advantage.

**The motion to award the contract for architectural services for the City Park band shell and pond to Simone Collins was approved by the following vote:**

**Yeas: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**

**Nays: None - 0.**

### **ADMINISTRATIVE REPORT**

Mayor McMahon reviewed the report distributed to Council covering the following:

- Centre Park Door Buster Sale at the Artifacts Bank on April 25th from 9 a.m. to 3 p.m.
- The Start of the Berks Jazz Fest
- The upcoming visit from Reutlingen Germany officials

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- 2009 Amusement Fee collections
- 2005-2009 collection of Real Estate Transfer Tax

Councilor Goodman-Hinnershitz acknowledged that City Council knew that the revenue from the Real Estate Tax would not continue to peak. She noted the need for the City to identify a sustainable revenue resource.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 11- 2009** - an ordinance amending the City of Reading Code of Ordinances Chapter 6, Part 7, School Time Curfew, to add a new section pertaining to prohibited conduct of juveniles on school days and adding this new section to the enforcement procedure; changing the end times for prohibited conduct and defining grade school, as attached in exhibit A **(Law) Introduced at the March 9 regular meeting**

**Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No 11-2009.**

Council President Spencer explained the nature of this amendment.

**Bill No. 11-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President – 7.**

**Nay: None - 0.**

**Bill No. 12-2009** - The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situated at 1019 Penn Street, 1021 Penn Street, 1016 Court Street, 1022 Court Street and 1028 Court Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority **(Law) Introduced at the March 9 regular meeting**

**Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill No. 12-2009.**

Council President Spencer explained that this property was originally owned by the Reading Redevelopment Authority, who transferred it to St. Joseph's Hospital for parking. As the hospital has moved away from Reading, the Reading Redevelopment Authority would like to purchase this parcel for redevelopment or parking uses. The sale price is \$125,000.

**Bill No. 12-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President – 7.**

**Nay: None - 0.**

**Bill No. 13-2009** – amending the City of Reading Codified Ordinances Section 10- 1212.03.2 adding necessary language to establish a non-refundable application fee for all businesses that sell food in the City of Reading **(Law)**  
***Introduced at the March 9 regular meeting***

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Bill No. 13-2009.**

**Bill No. 13-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President – 7.**  
**Nay: None - 0.**

**Bill No. 14-2009** - amending Bill No 39-2008 creating the Reading Local Redevelopment Authority by redefining the composition and establishing term expirations **(Council Staff & Law)** ***Introduced at the March 9 regular meeting.***

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to enact Bill No. 14-2009.**

Council President explained that when the City succeeded the County as the Local Redevelopment Authority, it was believed that the Reading LRA would only exist until the Navy Marine parcel was transferred. However, further research and study of the BRAC regulations has shown that the Reading LRA will stay in place forever. He provided an update on the process followed by the Reading LRA.

**Bill No. 14-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President – 7.**  
**Nay: None - 0.**

## **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - amending Chapter 11 Housing of the City of Reading Codified Ordinances by amending the term “Housing Permit” to “Rental Registration” **(Law)**

**Ordinance** - amending the City of Reading Charter Board Ordinance Section V (A) (2) (c) regarding the withdrawal of complaints filed with the Charter Board  
**(Charter Board)**

## **RESOLUTIONS**

**Resolution 29-2009** – authorizing the installation of a Revolutionary War memorial in the Veteran’s Grove of City Park **(Council Staff)**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No 29-2009.**

Councilor Goodman-Hinnershitz noted the importance of recognizing the City and its citizens’ participation in the wars waged by our country. She also expressed support for the work and dedication of Mr. Floyd's organization.

Council President Spencer commended the group for their patience as they worked to gain support from various City offices, boards and organizations.

**Resolution No. 29-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President - 7.**

**Nay: None - 0.**

**Resolution 30-2009**– authorizing reimbursement of Municipal Police Officers’ Education and Training for Officer Derrick Kasprzewski **(Police)**

**Resolution 31-2009** - authorizing reimbursement of Municipal Police Officers’ Education and Training for Officer Alfredo Ortiz **(Police)**

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolutions 30 and 31-2009.**

**Resolutions No. 30 and 31-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President - 7.**

**Nay: None - 0.**

**Resolution 32-2009** – reappointing Robert Reimer to the Shade Tree Commission (**Admin Oversight**)

**Resolution 33-2009** – appointing Andrew Molteni to the Environmental Advisory Council (**Admin Oversight**)

**Resolution 34-2009** – appointing John Olson to the Zoning Hearing Board (**Admin Oversight**)

**Resolution 35-2009** – reappointing Thomas Fox to the Zoning Hearing Board (**Admin Oversight**)

**Resolutions No. 32 through 35-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner – 5.**

**Nay: Spencer, President - 1.**

## **COUNCIL COMMENT**

Councilor Fuhs noted the honor of commending the students from the Reading High and Holy Name basketball teams for their athletic and academic performance. He complimented the students, coaches and parents of the students who participated in these accomplished teams. He also noted the great pride and strength of the City's Greek community.

Councilor Marmarou noted his pride with the Greek community and their work to educate the youth about Greek heritage and tradition.

Councilor Baez commended the Reading High and Holy Name basketball teams for their athletic and academic performances. She also noted the importance of celebrating Greek Independence Day.

Councilor Baez also described the good attendance at a neighborhood meeting at St. Marks U.C.C. last Thursday. She reported that many citizens complained of problems contacting the Call Center. Citizens reported that many times calls go unanswered and that voice mail is not installed for after hours calls. Mayor McMahon promised to correct these problems.

Councilor Goodman-Hinnershitz commended those involved in the Reading High and Holy Name basketball teams and those celebrating the rich history of



the Greek community. She also noted the importance of Women's History Week. She also noted the work of those who worked to rehabilitate Confluence Park

Councilor Goodman-Hinnershitz described the success of the recent meeting regarding the water project for Cotton Street. She stated that all questions were taken down by the Deputy City Clerk, who will work with the Executive Director of the Water Authority to draft responses which will be posted on the City's website.

Councilor Goodman-Hinnershitz announced the opening of Amanda's Garden for the Spring-Summer of 2009.

Councilor Sterner noted the excellent spirit and talent of the Reading High and Holy Name basketball teams and the honor those involved brought to the City of Reading. He also thanked those who spoke this evening about saving the Bushong Dam.

Councilor Sterner announced the Crime Watch meeting scheduled for Wednesday, March 25th at 13th and Green Elementary School.

Councilor Sterner also noted the importance of the work of Wood to Wonderful and the organization's founders Doug and Louise Brown. He described the "Can It" program to deter litter in the City.

Councilor Waltman complimented the Reading High and Holy Name basketball teams. He noted the great character and skill of those involved. He also noted the great contribution of those participating on the local Women's Commission and the Greek Community.

Council President noted the importance of community gardening and the importance of the work of those involved in Amanda's Garden.

Council President Spencer also noted that Council delayed action on the Administration's request to remove Bushong Dam in February. He noted the importance of having input from the affected community.

Council President Spencer noted his appreciation of the work of Wood to Wonderful and of Doug and Louise Brown. He asked all citizens to provide a good example by using the litter cans rather than littering.

Council President Spencer reviewed the upcoming meeting schedule.

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher CMC, City Clerk